

**SULLIVAN & CROMWELL LLP**

TELEPHONE: 1-212-558-4000  
FACSIMILE: 1-212-558-3588  
WWW.SULLCROM.COM

*125 Broad Street  
New York, NY 10004-2498*

LOS ANGELES • PALO ALTO • WASHINGTON, D.C.

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8/11/2014

August 5, 2014

Via E-Mail and ECF

**MEMO ENDORSED**

Hon. Denise L. Cote,  
United States District Judge,  
Daniel Patrick Moynihan United States Courthouse,  
500 Pearl Street, Room 1610,  
New York, New York 10007-1312.

Re: *FHFA v. HSBC North America Holdings, Inc.*, No. 11-cv-6189 (S.D.N.Y.)  
(DLC); *FHFA v. Goldman Sachs & Co., et al.*, No. 11-cv-6198 (S.D.N.Y.)  
(DLC); *FHFA v. Ally Financial Inc.*, No. 11-cv-7010 (S.D.N.Y.) (DLC)

Dear Judge Cote:

I write on behalf of defendants in the above-referenced actions ("Defendants") to request permission to file on August 5, 2014 a memorandum of law in support of their *Consolidated Motions to Exclude the Expert Testimony of John A. Kilpatrick, Ph.D. Concerning (1) the Greenfield AVM, (2) the "Credibility Assessment Model," and (3) the Recovco Findings* (the "Motion") that is no greater than 60 pages, following the schedule agreed to between the parties and endorsed by this Court. *See* Stipulation and Supplemental Pretrial Scheduling Order, *FHFA v. HSBC America Holdings, Inc.*, 11 Civ. 6189 (DLC) (Dkt. No. 800); Stipulation and Supplemental Pretrial Scheduling Order, *FHFA v. Goldman, Sachs & Co., Inc.*, 11 Civ. 6198 (DLC), *et al.* (Dkt. No. 712). These pages are necessary because this memorandum of law covers six expert reports submitted by Dr. Kilpatrick across three actions, which are highly technical in nature. This is also the same number of pages the Court previously granted FHFA when it filed a request for enlargement of pages for its *Motion for Partial Summary Judgment on Defendants' Due Diligence and Reasonable Care Defenses*. *See* Endorsed Letter from Manisha M. Sheth to Judge Cote, *FHFA v. Goldman, Sachs & Co.*, 11 Civ. 6198 (DLC) (Dkt. No. 727). Goldman Sachs proposes that the Court extend the schedule for response to the Motion so that FHFA's opposition is due August 29, 2014 and Defendants' reply is due September 11, 2014. Goldman Sachs further proposes that FHFA's opposition be limited to 60 pages, and Defendants' reply limited to 30 pages. FHFA consents to the schedule proposed herein and takes no position with respect to page limits.

The parties have designated as "Confidential" or "Highly Confidential" various information reflected, and documents included, in these submissions. Therefore, the materials in support of Defendants' Motion are not being filed by ECF. Defendants intend to propose redactions

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to certain of the materials filed in support of their Motion, and also wish to give FHFA an opportunity to propose any redactions it feels are necessary. In accordance with prior procedure in these actions, Defendants request that the parties be given until August 11 to meet and confer about proposed redactions, followed by a joint submission to the Court on August 12 listing the proposed redactions to which neither party objects and those to which the parties do object. Defendants will then file the materials in support of their Motion in redacted form as approved by the Court.

Respectfully Submitted,

  
Bradley A. Harsch

*Granted, inure pro Xero.*  
*Denise Cote*  
*Aug. 11, 2014*